



# CITY OF MEMPHIS

## COUNCIL AGENDA

January 21, 2014

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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### CALL TO ORDER by the Sergeant-at-Arms

### INVOCATION

*Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.*

### PLEDGE OF ALLEGIANCE

### CALL OF ROLL by the Comptroller

### APPROVAL OF PREVIOUS MEETING MINUTES (January 7, 2014)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS (None)

#### PUBLIC HEARING

1. RESOLUTION approving a street/alley closure located on the east side of Danny Thomas Blvd.; +-324.43 feet north of Poplar Avenue, containing 0.635 acre in the High Density Residential (HDR) and Mixed Use (MU) Districts.

Collins

Case No. SAC 13-615

Applicant: ALSAC-St. Jude/Memphis Foods, LLC  
The Reaves Firm, Inc. – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with five (5) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**33 NOTICES WERE MAILED ON JANUARY 10, 2014**

**DIVISION OF PLANNING AND DEVELOPMENT**

2. RESOLUTION approving a planned development located on the east side of Riverdale Road; +/-545.66 feet north of E. Holmes Road, containing 1.59 acres currently governed by the Villages of Bennington Planned Development, 2nd Amendment (P.D. 02-332cc).  
Collins Case No. PD 13-328cc

Applicant: City Storage East-West Connector, LLC  
Kevin Hyneman Companies – Representative

Request: Plan amendment to allow a title loan establishment within one-quarter (1/4) mile (1,320 feet) of a residential district

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

3. RESOLUTION approving a planned development located on the east side of Houston Levee Road; +/-568 feet south of Woodland Hills Drive, containing 8.93 acres in the Conservation Agriculture (CA) District.  
Collins Case No. PD 13-329cc

Applicant: Thomas and Teri McCann  
McCaskill and Associates, Inc. – Representative

Request: Planned Development to allow a residential treatment facility and limited General Office (OG) land uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

4. RESOLUTION approving a street/alley closure located between Jefferson Avenue on the south, Court Avenue on the north, Cleveland Street to the west and McNeil Street to the east, containing 0.379 acre in the Residential Urban-4 (RU-4) District.

Collins

Case No. SAC 13-608

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate the alley except for the westernmost 90 feet  
nearest to Cleveland Street

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

5. RESOLUTION approving a street/alley closure located +/-130 feet east of Cleveland Street. The alley runs north-south between Washington Avenue and Joy Place Alley, containing 0.052 acre in the Residential Urban-4 (RU-4) and Commercial Mixed Use-3 (CMU-3) Districts.

Collins

Case No. SAC 13-609

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate alley right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

6. RESOLUTION approving a street/alley closure beginning +/-100 feet of N. Watkins Street. The alley runs between Washington Avenue on the north and Joy Place Alley on the south, containing 0.041 acre in the Residential Urban-4 (RU-4) District.

Collins

Case No. SAC 13-610

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate alley right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

7. RESOLUTION approving a street/alley closure beginning at McNeil and extending west +/-547 feet, containing 0.502 acre in the Residential Urban-4 (RU-4) District.

Collins

Case No. SAC 13-611

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

8. RESOLUTION approving a street/alley closure on Jefferson Avenue between N. Watkins Street and McNeil Street, containing 0.74 acre in the Residential Urban-4 (RU-4) and Commercial Mixed Use-1 (CMU-1) Districts.

Collins

Case No. SAC 13-612

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

9. RESOLUTION approving a street/alley closure of Joy Place Alley, 2 sections: located on the west half generally between Cleveland Street and N. Watkins Street. The east half generally between N. Watkins Street and McNeil Street, containing 0.398 acre in the Residential Urban-4 (RU-4) District.

Collins

Case No. SAC 13-613

Applicant: TN Poplar Avenue, LLC (Michael Rios)  
Solomito Land Planning (Brenda Solomito) – Representative

Request: Close and vacate alley right-of-way as described in the legal description; West section: From the west right-of-way line of N. Watkins St. extending west +/-476.50 feet. East section: From the east right of way line of N. Watkins extending +/-647.00 feet to the west right of way line of McNeil St.

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCE – THIRD AND FINAL READING** (None)



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## CONSENT AGENDA

**GENERAL ORDINANCE- FIRST READING** (None)

**GENERAL ORDINANCE - SECOND READING** (None)

**ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING**

10. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis on August 10, 2010 and by Shelby County on August 9, 2010, as amended to revise and enhance the Joint Zoning and Subdivision Regulations as recommended by the Memphis and Shelby County Office of Planning and Development and the Land Use Control Board, up for S E C O N D reading.

Collins

Case No. ZTA 13-004

Ordinance No. 5544

Applicant: Memphis and Shelby County Office of Planning & Development  
Josh Whitehead, AICP, Planning Director - Representative

Request: Adopt amendments to the Memphis and Shelby County Unified  
Development Code

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING** (None)

**NOTATION FROM OPD**

11. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. SUP 13-220 - (Held from 12/3)

Located at 1226 S. Prescott (366' +/-south of Rhodes Avenue), containing 0.99 acre in Residential-6 (R-6) District

Applicant: Tower Ventures, LLC  
Michael Fahy – Representative

Request: Proposal to construct a one hundred fifty foot (150') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: February 4, 2014**



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## MLGW FISCAL CONSENT

12. RESOLUTION approval of Change No. 1 to Contract No. 11608, Canopy for Gas Emergency Materials at Capleville Liquefied Natural Gas with A & B Construction Company Incorporated, in the funded amount of \$10,416.00. The project scope is to construct a 75' X 100' canopy structure and footings to cover critical gas emergency materials to be stored at the MLGW Capleville Liquefied Natural Gas Plant. This change is to relocate and install additional protective posts around the canopy structure to protect it from truck and heavy equipment traffic.
13. RESOLUTION approving Change No. 1 to Contract No. 11489, Customer Care Center Telephone Service, with AT&T, in the funded amount of \$132,000.00. This change is to provide 15 PRI T1 circuits for the MLGW Customer Care Center located at 1665 Whitten Road, in Memphis, Tennessee. This change is also to renew for the first of two annual renewal terms covering August 16, 2014 to August 15, 2015, with no increase from the previous year.
14. RESOLUTION approving Change No. 3 to Contract No. 9626, Data Processing/License Agreement, with Innovation Data Processing, Incorporated, in the funded amount of \$6,884.00. (This change is to renew annual software maintenance, license, and support services with a 3.77% increase from the previous year. The increase is the result of increased labor costs for the support services portion of the contract. The term of the annual maintenance covers the period February 1, 2014 to January 31, 2015.)
15. RESOLUTION awarding Contract No. 11642, Environmental Consulting Services to BH&M Environmental Consultants, LLC, in the funded amount of \$2,300,000.00.





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## REGULAR AGENDA

16.  
Flinn

### APPOINTMENTS

#### DOWNTOWN MEMPHIS COMMISSION

##### Appointment

Deni C. Reilly

##### Reappointment

George Shadrui

#### MEMPHIS AND SHELBY COUNTY FILM AND TELEVISION COMMISSION

##### Reappointments

Gale Jones Carson

Qurán N. Folsom

Sherman Greer

Calvin Miller

Susan G. Murrmann

Ken Nelson

Pat Kerr Tigrett

Blanchard E. Tual

Ruby Wilson

#### GENERAL ORDINANCES – THIRD AND FINAL READING

17.

**ORDINANCE** to expand the class of contracts covered under the Prevailing Wage Ordinance, align the City of Memphis Prevailing Wage Ordinance with State Level Prevailing Wage requirements and amend Section 5-4-12(A) and 5-4-12(F-1) (Prevailing Wage), up for T H I R D and F I N A L reading. (Held from 1/7)

Halbert

Ordinance No. 5543

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION**

18. RESOLUTION amending the Fiscal Year 2014 Operating Budget by transferring portions of the appropriation of construction funds from CMAQ Year 1 Signal Coordination (EN90003) in the amount of \$380,000.00, CMAQ Year 2 Signal Coordination (EN90008) in the amount of \$122,000.00, CMAQ Year 3 Signal Coordination (EN90006) in the amount of \$123,224.00 to CMAQ Year 2 Isolated Signal Improvements (EN90009) in the amount of \$625,224.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION appropriating \$20,000.00 in funds from Shelby County Government for contract design services provided by the Division of Engineering for a total appropriation of \$20,000.00.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

20. RESOLUTION to halt further spending on litigation against potential municipal schools districts in light of April 2013 State Legislation. (Held from 12/3)

Strickland

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION amending the Fiscal Year 2014 Operating Budget by appropriating \$116,873.35, for proceeds received from two insurance claims which occurred at the Memphis Cook Convention Center during July, 2013.

Harris

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES**

22. RESOLUTION appropriating \$25,000.00 in G.O. Bonds, Capital Project FS02027 EMA Sirens, to repair emergency sirens.

Conrad

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARK SERVICES** (None)

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

23. RESOLUTION amending the FY 2014 CIP Budget to allocate and transfer \$300,000.00 to the Division of Public Works for the purchase of up to six (6) community trash compactors pads in various locations in Downtown Memphis. (Held from 11/19)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting Federal Grant Funds in the amount of \$7,661,379.00 to fund the design and construction of Forest Hill Irene Road from Walnut Grove Road to Rocky Point Road.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION accepting TDOT funds related to the grant for Walker Avenue Streetscape Project. The total grant amount is \$661,795.00, of which 80% are Federal funds and 20% are local funds.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION appropriating \$70,038.00 in G.O. Bonds General (Storm Water) for Timber Creek Drainage District – 8151 and 8159 Walnut Grove, Project Number ST03167, chargeable to the FY 2014 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

27. RESOLUTION requesting the City Council Chairman to hire a consulting, actuary or accounting firm, whichever the Council deems appropriate, to evaluate the reports provided and complete a separate analysis of the City of Memphis Pension Plan.

Strickland

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**